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FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 SEP -8 AM 10:40

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

UNITED STATES OF AMERICA,

Magistrate Docket No.

Plaintiff,

'08 MJ 2754

v.

COMPLAINT FOR VIOLATION OF:

Erasmo MEDRANO-Lara,

Title 8, U.S.C., Section 1326

Defendant

Deported Alien Found in the

United States

The undersigned complainant, being duly sworn, states:

On or about **September 5, 2008** within the Southern District of California, defendant, **Erasmo MEDRANO-Lara**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

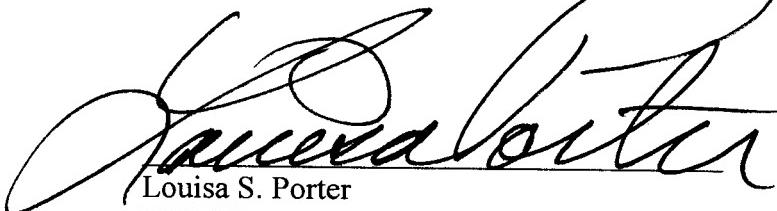
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT

Terri L. Dimolios

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 8th DAY OF SEPTEMBER,
2008


 Louisa S. Porter
 UNITED STATES MAGISTRATE JUDGE

 DOA 9/5/08
 OMO

**CONTINUATION OF COMPLAINT:
Erasmo MEDRANO-Lara**

PROBABLE CAUSE STATEMENT

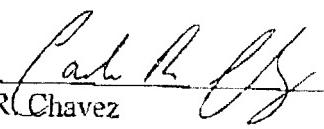
I declare under the penalty of perjury that the following statement is true and correct:

On September 5, 2008, Border Patrol Agent B. Lopez was performing All Terrain Vehicle duties in an area known as the "Fingers". At approximately 3:20 a.m., Sector Dispatch informed me via Agency radio of a seismic intrusion device activation in the Fingers area. The Fingers is approximately two miles west of the San Ysidro, California Port of Entry and approximately 500 yards north of the United States/Mexico International Boundary Fence. The Fingers is often used by illegal aliens attempting to further their entry north into the United States while avoiding detection by the Border Patrol.

Agent Lopez responded to this notification and proceeded to an area north of the seismic intrusion device and observed an individual walking north towards his direction. As Agent Lopez began to walk towards the subject, the subject became aware of his presence and ducked down out of his view. Agent Lopez began to search the area where he had last seen the subject and quickly found the subject attempting to conceal himself in some dense brush. Agent Lopez decided to perform an Immigration Inspection and identified himself as a United States Border Patrol Agent and questioned the subject as to his citizenship and nationality. The individual later identified as the defendant **Erasmo MEDRANO-Lara**, freely admitted to being a citizen and national of Mexico illegally present in the United States and he was not in possession of any immigration documents that would allow him to enter or remain in the United States legally. Agent Lopez arrested the defendant and he was transported to the Imperial Beach Border Patrol Station for further processing.

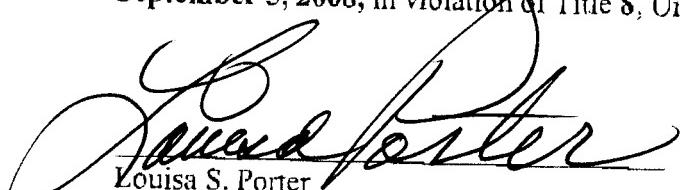
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on August 15, 2008 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on September 6, 2008 at 9:00 a.m.

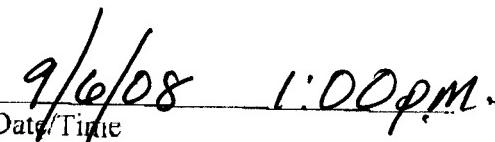


Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s). I find probable cause to believe that the defendant named in this probable cause statement committed the offense on September 5, 2008, in violation of Title 8, United States Code, Section 1326.



Louisa S. Porter
United States Magistrate Judge



Date/Time